S.B.CRIMINAL MISC. BAIL APPLICATION NO. 2086/2007
(Hetram Vs. State of Rajasthan)

DATE OF ORDER : 12/07/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Devilal Rawla for the petitioner.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioner and Public Prosecutor for the State. Perused the order impugned and the police investigation diary. I have carefully gone through the FSL report.

It is contended by learned counsel for the petitioner that similarly situated co-accused Maniram and Mohanlal have been granted anticipatory bail by Co-ordinate Bench of this Court.

From the perusal of the case diary, it appears that the signatures of the alleged executant of the document i.e. admitted signature and the signature on the agreement to sell were sent to handwriting expert to the Forensic Science Laboratory for examination and on examination it is found that the signatures are forged. It also appears that a civil suit with regard to the forging of document, possession and eviction was filed by Chawli before the Civil Judge (Junior Division), Padampur which has been decreed in favour of complainant Chawli. The Civil Court concluded that the document on which the defendants therein one of which was the present petitioner, relied, is not genuine and has been forged. Thus, there is a clear finding by the Civil Court that the document has been forged. But since, the rights of the parties have already been decided by the Civil Court and the fact that the similarly situated co-accused Maniram has been released on anticipatory bail and the author of

the forged document has not been established as yet, looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioner under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Hetram S/o Ramrakh in FIR No. 90/1995 P.S. Ghamorwali, district Sri Ganganagar, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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